



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 3012158
Applicant Name: Sunny Ausink for AT&T
Address of Proposal: 404 North 105th Street

SUMMARY OF PROPOSED ACTION

Land Use Application to allow the expansion of a minor communication utility (AT&T) consisting of modifying an existing monopole (flagpole), adding three new panel antenna for a total of six (three existing antenna remounted within a new pole canister extension) and new supporting equipment mounted within existing enclosed fence, all on the west side of the existing building.*

*Note – The project description has been revised from the following original notice of application: Land Use Application to allow the expansion of a minor communication utility (AT&T) consisting of replacing existing flag pole, adding three new panel antenna for a total of six (three existing antenna remounted to new pole) and new supporting equipment mounted within existing enclosed fence, all on the west side of the existing building.

The following approvals are required:

Administrative Conditional Use Review - to allow expansion of an existing minor communication utility in a Multifamily Residential Lowrise 2 (LR2) zone pursuant to Seattle Municipal Code (SMC) Chapter 23.57.011.B.

SEPA - Environmental Determination (Seattle Municipal Code Chapter 25.05).

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND INFORMATION

Site and Vicinity Description

The proposal site is a corner lot bounded by North 105th Street to the south and Phinney Avenue North to the west. The property measures approximately 16,224 square feet (sq. ft.) in total area.

The site and existing structures are zoned Lowrise 2 (LR2); located in the northwest area of Seattle. Development on the site consists of an existing religious facility (Living Way Foursquare Church), accessory surface parking area and a minor communication facility consisting of freestanding monopole (flagpole) structure and fenced equipment area. The freestanding monopole is measured at 62 ft.-1 in.

Currently Cingular Wireless (recently acquired by AT&T) has a minor communication facility on this site. A Master Use Permits (MUP) (737805) issued by the Department of Planning and Development (DPD) allowed Cingular Wireless to construct a monopole with three antennas and flag mount with accessory radio equipment cabinets situated behind an enclosed fenced area.

Surrounding property is zoned LR2 to the south and east; Single Family 7200 (SF 7200) to the north; and Commercial 1 (C1-40) to the west. Existing development in the vicinity of the proposal consists of a variety of single family residences, apartment buildings and commercial buildings varying in age and architectural style. North 105th Street is classified as a principal arterial, pursuant to SMC Chapter 23.53 and supports a high volume of traffic.

Proposal Description

The proposed project consists of the expansion of an existing minor communication facility for AT&T Mobility. This existing facility (formerly owned by Cingular Wireless) consists of three sector antenna arrays ("X", "Y" and "Z") with one antenna per sector within the cavity of an existing monopole configured to resemble a flagpole. The applicant proposes to upgrade the facility by adding three Long Term Evolution (LTE) panel antennas projecting 59' above existing grade and LTE accessory equipment. The LTE accessory equipment includes six remote radio head units (RRH) and a backpack unit. Once complete, the facility will consist of the following configuration: three antenna arrays ("X", "Y" and "Z") with two panel antennas per sector. The upper 20' section of the monopole will be removed and be replaced with a 20' canister extension. The existing antennas and proposed LTE antennas will be contained within the monopole canister extension. The overall height of the monopole will not change. All proposed associated cabling will be located within the monopole and routed to the LTE accessory equipment situated behind the AT&T's existing exterior fenced equipment area.

Public Comments

The public comment period for this project ended May 9, 2012. DPD received no written comments regarding this proposal.

ANALYSIS -ADMINISTRATIVE CONDITIONAL USE

Seattle Municipal Code (SMC) 23.57.011.B provides that a minor communication utility, as regulated pursuant to SMC 23.57.002, may be permitted in a Lowrise zone as an Administrative Conditional Use when it meets the development standards of SMC 23.57.011.C and the following criteria, as applicable.

- 1. The project shall not be substantially significantly detrimental to the residential character of the nearby residentially zoned areas, and the facility and the location proposed shall be the*

least intrusive facility at the least intrusive location consistent with effectively providing service. In considering detrimental impacts and the degree of intrusiveness, the impacts considered shall include but not be limited to visual, noise, compatibility with uses allowed in the zone, traffic, and the displacement of residential dwelling units.

The proposed and existing panel antennas will be installed within a new canister extension to be affixed to the existing monopole situated west of the existing church structure. The subject site is located in the LR2 zone. The proposed equipment cabinet will be located behind a fenced area where existing equipment cabinets are currently located.

Director's Rule (DR) 8-2004 clarifies terms-specifically "Effectively providing service", "Least intrusive location" and "Least intrusive facility"-and criteria pertaining to the placement of minor communication utilities (personal wireless facilities). The proposal is located within a LR2 zone on an arterial street (North 105th Street) which is considered the fifth least intrusive location. Also, the proposal will be located within a monopole on a nonresidential lot, which is identified as the fifth least intrusive facility to be located at. DR 8-2004 further states, *"The Director may allow a deviation from the order of preference contained in subsections (A.2), provided that the Director finds that such a deviation would result in a less intrusive location than would otherwise be provided under strict adherence to the order of preference"*.

The applicant submitted propagation area maps that delineate the location of the surrounding minor communication utility (MCU) facilities and documents existing wireless coverage with or without the proposed antenna installation. Per the applicant, the proposed antennas would allow AT&T to meet optimal service coverage objectives. Furthermore, the applicant states that no other alternative sites were sought for this expansion proposal; mainly because alternative sites were sought for a previously permitted Cingular facility at this same location (737805). The applicant is now seeking permission to install additional antennas at the same property.

The proposed minor communication utility expansion is not likely to be substantially detrimental to the residential character of the residentially zoned area, and the location of the antennas, accessory equipment and cabling are the least visually intrusive location consistent with effectively providing service and minimizing impacts to the existing neighborhood. The minor communication utility will be integrated into the design of the monopole to resemble a flagpole and concealed by the entire monopole's cavity. The negative impacts to the neighbors will likely be very minimal.

The views from immediately neighboring residential structures would not be substantially altered by the presence of the facility. The applicant has provided photographically simulated evidence suggesting that no additional visual intrusion would occur.

The antennas themselves will not emit noise. According the applicant's submitted acoustical study, any noise associated with proposed radio equipment cabinet is estimated to be below the ambient levels allowed in the LR2 zone and will be shielded by the existing 8' tall wood fencing.

Traffic impacts are not anticipated other than one service visit per month for maintenance. The proposal would be compatible with uses allowed in the zone, and since no housing or structure will be removed, the proposal will not result in displacement of residential dwelling units.

As proposed, the proposed expansion of the minor communications utility will not constitute a commercial intrusion that will be substantially detrimental to the residential character of the surrounding neighborhood.

2. *The visual impacts that are addressed in section 23.57.016 shall be mitigated to the greatest extent practicable.*

The applicant has designed the size, shape and materials of the proposed utility to minimize negative visual impacts on adjacent or nearby residential areas to the greatest extent possible. AT&T will mount the six antenna panels within a canister extension proposed to be mounted atop of the existing monopole. The associated cabling would be installed within the monopole's cavity and routed underground to radio equipment cabinets situated behind a fenced area. The monopole will be painted and design to resemble a flag pole. The applicant has verbally communicated to DPD that a flag will be incorporated into the proposal design; however, specific details concerning the flag aren't illustrated in the MUP plans. Therefore, a condition will be added to require the applicant to illustrate the proposed flag design on the current MUP plans prior to issuance and with future building permit application plans. As proposed and conditioned, this proposal meets this criterion.

3. *Within a Major Institution Overlay District, a Major Institution may locate a minor communication utility or an accessory communication device, either of which may be larger than permitted by the underlying zone, when:*
 - a.) *The antenna is at least one hundred feet (100') from a MIO boundary, and*
 - b.) *The antenna is substantially screened from the surrounding neighborhood's view.*

The proposed site is not located within a Major Institution Overlay District. Therefore, this criterion does not apply to the subject proposal.

4. *If the minor communication utility is proposed to exceed the zone height limit, the applicant shall demonstrate that the requested height is the minimum necessary for the effective functioning of the minor communication utility.*

The proposed antennas and accessory cabling will be located within an existing monopole/flagpole that is currently permitted to be erected above the maximum height limits allowed for structures on LR2 zoned property. This monopole, measured approximately 62 ft. 1 in. in height, is taller than the 30 ft. base height limit allowed for principal structures in this zone. The proposed altered monopole/flagpole will remain the same height.

Per the applicant, the proposed antennas are the minimum height required for the effective functioning of the MCU. This site was chosen because its elevation, location and existing

MCU facility are uniquely suited to serve the surrounding area. The additional height above the zone development standard is the minimum required to obtain sufficient enhanced coverage. Additionally, the proposed monopole design will not increase in height. Therefore, the proposal complies with this criterion.

5. *If the proposed minor communication utility is proposed to be a new freestanding transmission tower, the applicant shall demonstrate that it is not technically feasible for the proposed facility to be on another existing transmission tower or on an existing building in a manner that meets the applicable development standards. The location of a facility on a building on an alternative site or sites, including construction of a network that consists of a greater number of smaller less obtrusive utilities, shall be considered.*

SMC 23.84A.006 defines a transmission tower as a monopole on which communication devices are placed. This proposal is considered an alteration to an existing monopole-not a new freestanding transmission tower. Therefore, this criterion does not apply to the subject proposal.

SUMMARY

The proposed project is consistent with the Administrative Conditional Use criteria of the City of Seattle Municipal Code as it applies to wireless communication utilities. The facility is minor in nature and will not be detrimental to the surrounding area while providing needed and beneficial wireless communications service to the area.

The proposed project will not require the expansion of public facilities and services for its construction, operation and maintenance. The site will be unmanned and therefore will not require waste treatments, water or management of hazardous materials. Once installation of the facility has been completed, approximately one visit per month would occur for routine maintenance. No other traffic would be associated with the project.

DECISION - ADMINISTRATIVE CONDITIONAL USE

The Conditional Use application is **CONDITIONALLY APPROVED**.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated April 4, 2012. The information in the checklist, applicant's statement of Federal Communication Commission Compliance, supplemental information and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between the City's codes, policies and environmental review. The Overview Policy states, in part: "*Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation*" subject to some limitations. It may be appropriate to deny or mitigate a project based on adverse environmental impacts in certain circumstances as discussed in SMC 25.05.665 D1-7. In consideration of these policies, a more detailed discussion of some of the potential impacts is appropriate.

Short - term Impacts

The following temporary or construction-related impacts are expected; decreased air quality due to suspended particulate from building activities and hydrocarbon emissions from construction vehicles and equipment; increased traffic and demand for parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased greenhouse gas emission due to construction-related activities; and, consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Further discussion of short-term construction related noise impacts and greenhouse gas emissions follows.

Construction and Noise Impacts

The initial installation of the antennas and accessory equipment may include loud equipment and activities. This construction activity may have an adverse impact on nearby residences. However, the Department finds that the limitations of the Noise Ordinance are adequate to appropriately mitigate the adverse noise impacts associated with the proposal. Therefore, no further mitigation pursuant to SEPA authority at SMC Sections 25.05.675.B is warranted.

Greenhouse Gas Emissions

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacturing of the construction materials themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant.

Long - term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal, namely increases in demand for energy and increased generation of electromagnetic radiation emission. These long-term impacts are not considered significant or of sufficient adversity to warrant mitigation. Due to public concerns expressed about electromagnetic radiation, this, as well as, air quality impacts are further discussed below.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radio frequency power density expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The Department's experience with review of this type of installation is that the EMR emissions constitute a small fraction of that permitted under both Federal standards and the standards of SMC 25.10.300 and therefore, pose no threat to public health. Warning signs at every point of access to the transmitting antenna shall be posted with information of the existence of radiofrequency radiation.

Air Quality

Operational activities, primarily vehicular trips associated with the project and the project's energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

Summary

In conclusion, several effects on the environment would result from the proposed development. Any conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible

department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

ADMINISTRATIVE CONDITIONAL USE CONDITIONS

Prior to Issuance of the Master Use Permit

1. Update the submitted MUP plans set with illustration details of the proposed flag design. Final design must be reviewed by DPD Land Use Planner (Tamara Garrett) prior to issuance.

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: September 6, 2012
Tami Garrett, Senior Land Use Planner
Department of Planning and Development

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